



City of Seattle

Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2400976  
**Applicant Name :** Thomas Lawrence  
**Address of Proposal:** 4731 Thackeray Pl NE

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to establish use for future construction of a terraced garage accessory to a single family residence.

The following approvals are required:

**Variance** to allow more than the maximum number of curbcuts on a lot.  
(SMC 23.54.030 - F1a, F1f)

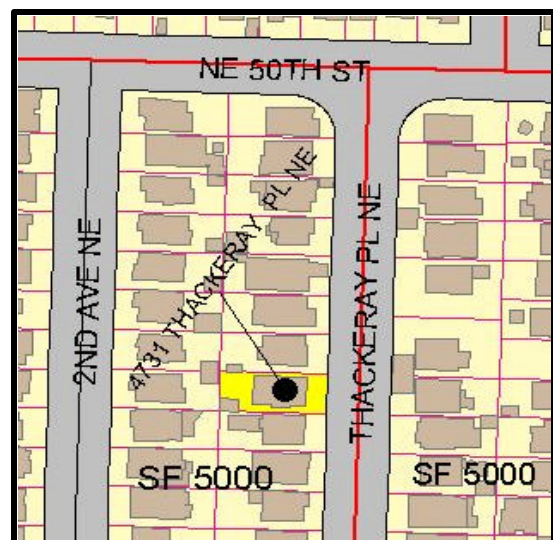
**Variance** to allow less than the required distance between curbcuts on a lot.  
(SMC 23.54.030 - F1d: 30ft. required, 14 ft. 2 in. proposed)

**SEPA DETERMINATION:** ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS  
☐ DNS with conditions  
☐ DNS involving non-exempt grading or demolition or  
involving another agency with jurisdiction.

**BACKGROUND DATA**

**Site and Area Description**

The approximately 4,080 square foot site is located in a Single Family (SF 5000) residential zone which is residential in character. The site is located on the west side of Thackeray Pl NE, just south of NE 50<sup>th</sup> St. Both Thackeray Pl NE and NE 50<sup>th</sup> St are designated as arterial streets per SMC 23.53. The subject interior lot has no alley access and has forty feet of frontage on Thackeray Pl NE, which is paved with curbs, gutters and sidewalks on both sides of the street. Thackeray Pl NE is a one way street



heading southward and parking is not permitted on the west side of the street. The existing two-story single family structure was originally built in 1924. There is an existing detached one-car garage located in the southwesterly corner of the site, which is to be demolished under this proposal. The site is currently accessed via an existing shared driveway and curbcut off of Thackeray Pl NE. The curbcut and driveway are shared with the adjacent neighbor to the south. The driveway easement has been recorded with King County Records and Elections under recording number (20020215000800).

#### Development in the Vicinity

The surrounding zone is Single Family 5000 (SF 5000) and the development in the vicinity consists of single family residences which are predominantly one or two stories. Properties south of the site are developed with one and two story residences and north and west of the subject lot, similar development exists. The streets in the vicinity are improved to city standards and the topography is generally gradual slopes but no designated Environmentally Critical Areas exist in the immediate vicinity.

#### Proposal Description

The proponent proposes to construct a two-car terraced garage in the front yard. The existing driveway is to remain as the adjacent lot gains vehicle access to via the recorded driveway easement. The applicant proposes less than the distance permitted between the existing driveway easement curbcut and the proposed curbcut for the terraced garage. Also, the applicant proposes more than the allowable number of curbcuts. It should be noted that if the shared driveway could be eliminated, the applicant could construct the terraced two car garage without requiring a variance.

#### Public Comments

During the public comment period which ended August 11<sup>th</sup>, 2004, the City received no written comments related to the project.

#### ANALYSIS - VARIANCES

Pursuant to SMC 23.40.020 C, variances from the provisions or requirements of this Land Use Code shall be authorized when all the facts and conditions listed below are found to exist. Analysis of the variance requested follows each statement of the required facts and conditions.

- 1. Because of the unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of the Land Use Code would deprive the property the rights and privileges enjoyed by other properties in the same zone or vicinity;***

The unusual condition applicable to the subject property is as follows: the owner did not grant the adjoining neighbor the existing driveway access easement. If not for the recorded easement and shared driveway, the owner could conform to all applicable zoning regulations for number of curbcuts on a lot and the required distance between curbcuts per SMC 23.54.030-F1a, F1d, F1f. In order to build the terraced garage without a variance, the existing shared driveway agreement would have to be abandoned and the curbcut closed. Since the shared driveway access for the adjacent neighbor is also the only vehicle access, abandoning the shared drive is not an option. Further, the applicant maintains that if use or access to the shared drive was not permitted by the

Department, it would result in the neighboring property using the whole shared driveway for parking. The applicant asserts that this would not allow reasonable use of their side yard. Reasonable use in this case is simply having vehicle and pedestrian access to the rear of the house for reasons other than parking, like loading and unloading. Due to the grade change of approximately 12' from Thackeray Pl NE to the main floor level of the house, loading and unloading would be made very difficult for the owner without use of the driveway.

There are eight residences with terraced garages located on this block of Thackeray Place NE, three of which are two car garages including the adjacent property to the north. The applicant also proposes a two-car terraced garage. All of these residences are able to use their rear yards as open space, as opposed to parking. However, the other properties don't have access to parking spaces in their rear yards, as the subject property does. As a result, appropriate conditioning is warranted.

**2. *The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located;***

The requested variance does not go beyond the minimum necessary; the zoning code allows the construction of a twenty-four (24) foot wide terraced garage in this location as the terraced garage proposal meets the applicable Land Use requirements. The request does not constitute a grant of special privilege as it would only be permitting a terraced garage similar to other properties in the immediate vicinity that enjoy the privilege.

Regarding the minimum necessary to afford relief, relief in this case is the minimum necessary number of curbcuts and distance between the existing shared driveway curbcut and the proposed cut in order to permit vehicle access to the new terraced garage. Specifically, the design and site requirements for the proposed terraced garage are found in SMC 23.44.016-C3b and SMC 23.44.016-C6. It should be noted that parking is not permitted on the side of the street where the curbcut variances are requested. Also, Thackeray Pl NE is a one way street heading south and has bus route (#26) running southbound along it. After communications with SDOT and King County Metro (references in the project file) staff, there are no planned changes with regard to parking allowance on the side of the street where the variance is requested or changes to bus route (#26) on Thackeray Pl NE.

The terraced garage is proposed at the northern most point of the lot, as a result, the curbcut required to access the terraced garage is proposed as far away (14'-2") from the existing shared driveway curbcut as possible, given the width of the lot. As a result the distance between curbcuts is the minimum necessary distance to afford relief. The applicant proposes one additional curbcut more than is permitted per SMC 23.54.030-F1a. In order to afford relief and construct a terraced garage, a new curbcut would be required. One additional curbcut is the minimum necessary to afford relief. The width proposed for the curbcut is 18' in order to provide proper access the terraced garage, which is the minimum necessary to afford relief.

Allowing the applicant to have dual access to parking would be a special privilege. In light of this situation, conditioning is warranted to preclude the applicant from having both parking behind the structure and also parking within the proposed two-car terraced garage.

Further, the adjacent site that shares in the common driveway does not have alternate vehicle access other than the existing shared driveway, so dissolving the easement is not an option available to the applicant.

**3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located;***

The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity of the subject property as it will have no effect on existing traffic or parking patterns as parking is not permitted at the location of the proposed curbcut for the terraced garage. The public welfare regarding parking will not be compromised by the proposal as no parking is permitted on the proposal side of the street. The public welfare will not be compromised by the proposal, the pedestrian safety will be maintained after the conditions (mirrors) of this decision are met. Since no parking is permitted on the side of the street where the curbcut is proposed, the proposed two-car terraced garage will allow two cars to be removed from street parking as opposed to the one parking space previously existing. This will, in a small way benefit street parking availability in the immediate vicinity. However, the walls on either side of the garage will not allow good sight of the pedestrian walk while backing out of the garage. Due to the backing nature that is required with the terraced garage and that Thackeray Pl NE is a designated arterial street; a condition regarding vehicle backing safety and lines of sight is justified. The applicant shall provide mirrors at the garage corners in order to improve sight distance when backing into the right of way.

**4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue and unnecessary hardship or practical difficulties;***

The literal interpretation and strict application of the Land Use Code would cause undue hardship on the applicant, as the zoning code permits the location of a garage for two vehicles, but the curbcut distance and quantity code requirements would not allow a curbcut to be made to gain access to the garage. If the shared driveway easement was not there, the proposal would not require variance approval. Taking into consideration that parking is not permitted on the west side of the street and there are currently no plans to change the current function of the street, not granting the variance would cause undue hardship to the applicant, because it is impossible to maintain the 30ft. required between curbcuts and the shared driveway can't be dissolved (only access for adjacent lot). The subject lot is 40' wide and approximately 5' of the shared driveway are on the subject lot. Even if the applicant proposed a one car terraced garage with a ten (10) foot curbcut at the northern most point of the lot, only 25' would be left between the existing shared driveway and the ten (10) foot curbcut, also not meeting Land Use Code development standards.

**5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.***

The spirit and purpose of the Land Use Code recognizes flexibility as one of the important goals to allow the residents in single family zones maximum use and enjoyment of their homes. Granting the requested variance to allow an additional curbcut on the lot and reduce required distance between curbcuts is consistent with the Land Use Code based on the analysis given above.

The requested variance would be consistent with the spirit and purpose of the Land Use regulations as it allows for more light, air, access and open space by removing the deteriorating one car garage in the rear of the property. Also the proposal helps to minimize parking congestion by adding another off street parking space to the lot and removing one car from using parking on the east side of the street, where parking is permitted.

**DECISION – VARIANCE:**

- **Variance** to allow more than the maximum number of curbcuts on a lot.  
(SMC 23.54.030 - F1a, F1f)  
– **CONDITIONALLY GRANTED.**
  
- **Variance** to allow less than the required distance between curbcuts on a lot.  
(SMC 23.54.030 - F1d)  
– **CONDITIONALLY GRANTED.**

**CONDITIONS**

**Prior to Issuance of MUP**

1. The applicant shall use mirrors to provide views of the pedestrian walkway on either side of the terraced garage. This information must be shown on the final MUP drawings and approved by the Land Use Planner, Lucas DeHerrera (206.229.9958) or North Team RIC Supervisor Cheryl Waldman (206.233.3861).
2. The MUP and Building Permit plans shall provide a note on the site plan in clear writing that “no parking is permitted on this site other than the two (2) spaces within the terraced garage.”

Signature: \_\_\_\_\_ (signature on file) Date: November 1, 2004  
Lucas DeHerrera, RIC Land Use Planner

LD:bg

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